

REMARKS

This Response is filed in response to the Final Office Action mailed April 22, 2003. Claims 1 to 55 and 59 stand allowed. Claims 56 and 58 have been amended to more clearly define the present invention. The specification has not been amended. A formal drawing for Fig. 4 is submitted herewith. No new matter has been added in these amendments.

No fees are due in connection with this Response. However, if any fees are due, please charge Deposit Account No. 02-1818 for any insufficiency.

The Office Action rejected Claim 58 under 35 U.S.C. §102(e) as being anticipated by Gura. Applicant disagrees with and traverses this rejection. Nevertheless, to place this application in condition for allowance, Applicant has amended this claim to clarify that the player is provided the award associated with each indicated award symbol.

Gura relates to a gaming machine in which the probability of winning certain bonus payouts varies in response to the different start-bonus outcomes that activate the bonus game. More specifically, Gura relates to a gaming device with a basic game in the form of a slot machine with a plurality of reels. Each reel includes a plurality of symbols (col. 3, lines 21-35). In the basic game, the reels spin to indicate a plurality of basic game outcomes (col. 4, lines 17-19). Included among the basic game outcomes are winning basic game outcomes which occur when the symbols appearing on the reels along an active payline correspond to a winning combination. If the displayed symbols stop in a winning combination, the game provides the player an award. The plurality of basic game outcomes include a plurality of different start-bonus outcomes for starting play of a bonus game (col. 4, lines 48-56). The bonus game provides a number of selectable elements including one designated element. In the bonus game, the object is to select the designated element while selecting as few selectable elements as possible. The fewer the number of elements the player selects before selecting the designated element, the greater the bonus award provided to the player (col. 5, lines 8-25). In Gura, the number of selectable elements provided during the bonus game is dependent on one of the different start-bonus outcomes in the primary game that cause

the initiation of the bonus game (col. 4, line 57 to col. 5, line 7). Accordingly, the better the start-bonus outcome (i.e., the less selectable elements for the player to select from), the better the probability that the player will select the designated element in as few selections as possible and the better bonus payout awarded to the player. Thus, in Gura, the probability of obtaining certain bonus payouts in the bonus game varies based directly on the different start-bonus outcomes in the primary game that activate the bonus game.

In Gura, upon the completion of the bonus game, the processor of the gaming machine occasionally triggers one or more additional bonus features. One additional bonus feature requires the player to continue selecting from the provided number of selectable elements to find an additional designated element (col. 6, lines 47-53). Another additional bonus feature provides an additional number of selectable elements including a designated element. As in the primary bonus game, the fewer the number of selections it takes the player to find the designated element, the greater the payout (col. 6, line 66 to col. 7, line 3).

Amended independent Claim 58 is directed to a method for operating a gaming device including the steps of: (a) activating an award distributor including award symbols and at least one selection group activator symbol, (b) providing an award to the player if an award symbol is indicated by the award distributor, (c) displaying a selection set having a plurality of selections wherein each selection is associated with an award, if a selection group activator symbol is indicated by the award distributor, (d) enabling a player to pick one of said selections from said selection set, if a selection group activator symbol is indicated by the award distributor, (e) revealing the award associated with the picked selection, if a selection group activator symbol is indicated by the award distributor, (f) providing the revealed award to the player, if a selection group activator symbol is indicated by the award distributor, decreasing the plurality of available selections in the selection set which may be subsequently picked by the player after the selection group activator is subsequently indicated, if a selection group activator symbol is indicated by the award distributor and repeating steps (a) through (f) at least once.

Gura does not provide the player an award associated with each picked award symbol, and thus fails to disclose every element of amended Claim 58. The Office Action has interpreted the reels of the gaming machine described in Gura to be the award distributor, the payline on the reels to be the symbol indicator and the start-bonus outcome that starts the bonus game as the selection group activator symbol. In Gura, the symbols on the reels must stop along an active payline in a winning basic game outcome or a start-bonus outcome in order for the gaming device to provide the player an award either in the basic game or in the bonus game. If the symbols on the reels do not stop along an active payline in a winning basic game outcome or a start-bonus outcome, the gaming device does not provide the player an award. Therefore, the reels in Gura do not provide the player an award for each reel symbol outcome. On the other hand, the method of operating a gaming device of amended Claim 58 provides the player an award associated with each activation of the award distributor. In amended independent Claim 58, if an award symbol is indicated by the award distributor, the player is provided an award. Additionally, if a selection group activator is indicated by the award distributor, the player is enabled to pick a selection and the award associated with the player picked selection is provided to the player. As each selection is associated with an award, the method of operating a gaming device of amended Claim 58 provides the player an award associated with each indicated symbol on the award distributor. Accordingly, as the method of operating a gaming device of amended Claim 58 provides an award for each indicated symbol on an award distributor and the reels of Gura do not provide an award for each reel symbol outcome, it is respectfully submitted that amended independent Claim 58 is patentably distinguished over Gura and in condition for allowance.

Furthermore, in Gura, the player is provided a bonus award based on the number of selectable elements selected prior to selecting the designated selection element. The fewer prior selected elements, the greater the provided bonus award. Unless the player selects the designated selection element with their first selection, the gaming device of Gura will not provide the player a bonus award for their first selection. Thus, the player may select a number of selectable elements before a bonus award, if any, is

provided to the player. On the other hand, in the method of operating a gaming device of amended Claim 58, each time the player picks a selection from the selection set, the player is provided an award associated with the picked selection. Accordingly, unlike Gura, the method of operating a gaming device of amended Claim 58 provides the player an award for each picked selection. For this additional reason, it is respectfully submitted that amended independent Claim 58 is patentably distinguished over Gura and in condition for allowance.

The Office Action rejected Claims 56 and 57 under 35 U.S.C. §103(a) as being unpatentable over Gura in view of Adams or Mayeroff. Applicant respectfully disagrees with and traverses this rejection. Nevertheless, to place this application in condition for allowance, Applicant has amended the claim to further patentably distinguish over Gura in view of Adams or Mayeroff.

Adams relates to a gaming device with an additional payout indicator such as a rotatable wheel with a plurality of selections. In Adams, when the reels of the primary game stop on one of a predetermined plurality of winning indicia sets, a secondary payout indicator in the form of a rotatable bonus wheel is caused to spin. The wheel gradually reduces speed and when the wheel stops, a pointer indicates the payout to be awarded to the player (col. 1, line 58 to col. 2, line 26). Each selection on the rotatable wheel indicates an increased winning value for the player (col 5, lines 38 to 43).

Mayeroff generally discloses to a slot machine having a multi-reel main game and a rotating wheel bonus game. Whenever the player achieves a combination of symbols on the main game, the player is awarded with a bonus game. The number of spins provided to the player to spin the bonus wheel is based on the number of paylines that the player played on the main game or the number of credits wagered on each payline. Alternatively, the number of spins of the rotating wheel bonus game awarded to the player is determined by the symbol combination achieved by the player in the main game. Furthermore, all spins of the rotating wheel bonus game are winning spins (col. 4, lines 25-40).

Amended independent Claim 56 is directed to a gaming device having a bonus game including a wheel, a plurality of award symbols associated with the wheel and an

award associated with each award symbol. The gaming device includes a sub-game activator symbol associated with the wheel, a symbol indicator and a plurality of sub-games, wherein at least one sub-game includes a plurality of selections and at least one sub-game award is associated with each selection. The gaming device also includes a processor for causing the symbol indicator to indicate one of the symbols on the wheel, for providing a player an award associated with each indicated award symbol, for triggering one of the sub-games when said sub-game activator symbol is indicated, for enabling the player to play the triggered sub-game by picking one of the selections and for providing the player the sub-game award associated with the selection picked by the player in the sub-game.

The Office Action states that in an analogous slot machine game that incorporates a primary and a secondary game, Adams or Mayeroff teach the use of a wheel with a plurality of selections. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to employ the bonus wheel with multiple sections, as disclosed by Adams or Mayeroff, in the game of Gura. However, the Office Action provides no support for this conclusion. The Office Action does not explain any motivation, teaching or suggestion for this combination. Without such support, the Office Action is relying on improper hindsight. Moreover, even if combined, the gaming devices resulting from the combination of Gura and Adams or Gura and Mayeroff would still fail to teach, disclose or suggest the combination of elements of Claim 56 for the reasons stated above regarding amended Claim 58. Specifically, the gaming devices resulting from the combination of Gura and Adams or Gura and Mayeroff would not teach, disclose or suggest triggering a sub-game when a sub-game activator is indicated wherein the sub-game provides the player a sub-game award associated with each selection picked by the player. For these reasons, it is respectfully submitted that Claim 56 and dependent Claim 57 are patentably distinguished over the combination of Gura and Adams and the combination of Gura and Mayeroff and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously

solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the Applicant's attorney, Adam Masia, at (312) 807-4284 to discuss this Response.

Respectfully submitted,

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BY

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